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February 2, 2024

VIA ECF

Hon. Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: *The Wave Studio, LLC v. Trivago et al.*, No 7:23-cv-03586
(the “2023 Action”)
The Wave Studio, LLC v. General Hotel Management Ltd. et al.,
No. 7-13-cv-09239-CS-VR (the “2013 Action”)

Dear Judge Seibel:

We represent Defendants Trip.com Group Limited, Trip.com Travel Singapore Pte. Ltd., Skyscanner Ltd., MakeMyTrip India Pvt., Ltd., and MakeMyTrip, Inc. (collectively, “Trip Defendants”), who are defendants in the 2023 Action. The 2023 Action has recently been re-assigned to Your Honor as related to the 2013 Action.

We write in response to Plaintiff’s letter requesting that this Court enter an Order dismissing as moot the Trip Defendants’ motion to dismiss, which was served in the 2023 Action. While this matter has been re-assigned to Your Honor, the court-ordered deadlines regarding the Trip Defendants’ motion to dismiss and motion to stay discovery have not been vacated. Accordingly, unless directed otherwise, the Trip Defendants would follow all court orders that are already in place.

Because the Trip Defendants are at a different procedural stage than the 2013 Action, we submit that the best course towards efficient resolution would be to allow for the Trip Defendants’ motion to be fully briefed and heard. In that way, we can be at the same procedural stage as the other defendants, if the Trip Defendants’ motion is not granted.

Further, while the Trip Defendants remain willing to discuss a negotiated resolution, Plaintiff continues to refuse to provide information that would be necessary for an informed discussion. While Plaintiff filed a “Master Complaint” on January 16, 2024, the case was re-assigned to Your Honor on January 18, 2024, and Plaintiff has continued to amend (and re-amend) that complaint. Moreover, Plaintiff still has not provided the native version of the spreadsheet to assist in understanding Plaintiff’s

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claims, significantly abbreviating the Court's contemplated 90-day window for negotiations.

Thank you for Your Honor's consideration in this matter.

Sincerely,

Anna Menkova

This endorsement relates to ECF No. 333 in 13-CV-9279 and ECF No. 75 in 23-CV-3586. The briefing schedule set forth in ECF No. 61 in No. 23-CV-3586 is suspended. I think it makes more sense for the parties to see if they can resolve the case before further resources are expended on a motion. Plaintiff is strongly encouraged to get Defendants what they need in order for settlement talks to be productive. Plaintiff was supposed to send a status letter on January 16 stating whether the parties wanted to proceed on their own, with a Magistrate Judge, with a court mediator or with a private mediator. I expect that information promptly and no later than 2/7/24. The Clerk of Court is respectfully directed to docket this letter in both of the above-captioned cases and to terminate ECF No. 71 in No. 23-CV-3586.

SO ORDERED.


CATHY SEIBEL, U.S.D.J.

2/2/24